

RTM Meeting
February 2, 2010

REPRESENTATIVE TOWN MEETING NOTICE

All Representative Town Meeting Members and inhabitants of the Town of Westport are hereby notified that a meeting of the Representative Town Meeting members will be held at Town Hall, 110 Myrtle Ave., on Tuesday, February 2, 2010, at 8 p.m. for the purposes listed below. If necessary, the meeting shall reconvene on Tuesday, February 16, 2010 to deal with any agenda items not disposed of at the adjournment of the February 2, 2010 meeting.

1. To take such action as the meeting may determine, upon the recommendation of the Board of Selectmen, in accordance with the town's policy for naming town-owned property, to approve naming the 38-acre town-owned property located on the northwest corner of Coleytown Road, Easton Road and Bayberry Lane the *Newman/Poses Nature Preserve*.
2. To take such action as the meeting may determine, upon the recommendation of the Board of Finance to approve a request from the Town Attorney for an appropriation of \$23,450 from the Heart and Hypertension Reserve Fund to cover the cost of a specific award for the heart and hypertension claim of Timothy Chalfant.

Hadley C. Rose (cet)

Hadley C. Rose, Moderator

This is to certify that I mailed a copy of the above notice, properly prepaid, to each Representative Town Meeting Member on Monday, January 25, 2010, and that I caused a copy of said notice to be published in the Westport News in its edition of Friday, January 22, 2010.

Patricia H. Strauss

Patricia H. Strauss, Town Clerk

RTM Meeting
February 2, 2010

RESOLUTIONS

(1)

RESOLVED: That upon the recommendation of the Board of Selectmen in accordance with the town's policy for naming town-owned property, naming the 38-acre town-owned property located on the northwest corner of Coleytown Road, Easton Road and Bayberry Lane as the *Newman/Poses Nature Preserve* is hereby approved.

(2)

RESOLVED: That upon the recommendation of the Board of Finance and a request from the Town Attorney the sum of \$23,450 from the Heart and Hypertension Reserve Fund to cover the cost of a specific award for the heart and hypertension claim of Timothy Chalfant is hereby appropriated.



WESTPORT, CONNECTICUT

GORDON F. JOSELOFF
First Selectman

BACK UP MATERIAL
RTM ITEM # 1

December 17, 2009

Mr. Hadley Rose
Moderator
Representative Town Meeting
Town of Westport
Westport, CT 06880

Dear Hadley:

The Board of Selectmen, at a public hearing held on Dec. 16, 2009, approved naming the 38-acre town-owned property located on the northwest corner of Coleytown Road, Easton Road and Bayberry Lane the Newman/Poses Nature Preserve.

In accordance with the town's policy for naming town-owned property, I hereby request that you place this matter on an agenda of the Representative Town Meeting for consideration.

Enclosed is a copy of the Board of Selectmen's minutes of Dec. 16, along with backup information for the request.

If any additional information is required, please do not hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Joseloff", is written over the printed name.

Gordon F. Joseloff
First Selectman

GFJ:ps

Enclosure

cc: The Newman Family, c/o Joanne Woodward and Melissa Newman
The Poses Family, c/o Barbara Poses Kafka and Ernest Kafka
Aspetuck Land Trust, c/o David Brant and Jonathan Wagner
Lawrence Weisman, Esq.
G. Kenneth Bernhard, Esq.

MINUTES (DRAFT)

The Board of Selectmen held a public hearing on Wednesday, Dec. 16, 2009 at 4 p.m. in Rooms 309/307 of the Westport Town Hall. Present at the meeting were: Gordon F. Joseloff, Shelly A. Kassen, Gail Kelly, Stephen Edwards, Deputy Police Chief Dale Call, Fire Chief Christopher Ackley, Richard Giunta, Kim Lake, David Mann, Catherine Talmadge, Kerry O'Neill, and Patricia Scully recording secretary.

MINUTES

1. The minutes of the Board of Selectmen's special public hearing of Nov. 23, 2009 and public hearing of Nov. 23, 2009 were presented by the recording secretary. There were no additions/deletions/revisions. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the minutes of the Board of Selectmen's special public hearing of Nov. 23, 2009 as presented are hereby APPROVED.

RESOLVED: That the minutes of the Board of Selectmen's public hearing of Nov. 23, 2009 as presented are hereby APPROVED.

APPROVAL OF NAMING 38-ACRE TOWN-OWNED PARCEL, LOCATED ON THE NORTHWEST CORNER OF COLEYTOWN ROAD EASTON ROAD AND BAYBERRY LANE, THE NEWMAN/POSES NATURE PRESERVE IN ACCORDANCE WITH POLICY FOR NAMING TOWN PROPERTY, AND TO FORWARD SUCH NAME TO REPRESENTATIVE TOWN MEETING FOR APPROVAL

2. Item #2 was presented by First Selectman Gordon F. Joseloff. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request to name the 38-acre town-owned parcel, located on the northwest corner of Coleytown Road, Easton Road and Bayberry Lane, the Newman/Poses Nature Preserve, in accordance with the Policy for Naming Town Property, and to forward such name to the Representative Town Meeting for approval, is hereby APPROVED.

APPROVAL OF USE OF TOWN-OWNED PROPERTY KNOWN AS PARKER-HARDING PLAZA BY WESTPORT SUNRISE ROTARY CLUB ON SUNDAY, JUNE 12, 2010 FOR THE 2ND ANNUAL GREAT DUCK RACE, CONTINGENT UPON COMPLIANCE WITH COMMENTS FROM VARIOUS TOWN DEPARTMENTS

3. Item #3 was presented by the recording secretary. No changes in the logistics of the event were anticipated. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request for the use of town-owned property known as Parker-Harding Plaza by the Westport Sunrise Rotary on Sunday, June 12, 2010 for the 2nd Annual Great Duck Race, contingent upon compliance with comments from various town departments, is hereby APPROVED.

APPROVAL TO ENDORSE CONNECTICUT CLEAN ENERGY COMMUNITIES PROGRAM AND AUTHORIZE TOWN OF WESTPORT TO PARTNER WITH OTHER MUNICIPALITIES, THE STATE OF CONNECTICUT, AND A GROUP OF PUBLIC, PRIVATE, NON-PROFIT AND ACADEMIC ORGANIZATIONS TO SUBMIT A PROPOSAL TO THE U.S. DEPARTMENT OF ENERGY IN SUPPORT OF INITIATIVE TO ADVANCE CLEAN ENERGY AND ENERGY EFFICIENCY AND CONSERVATION IN HOUSEHOLDS WITHIN TOWN OF WESTPORT, AS RECOMMENDED BY GREEN TASK FORCE

4. Item #4 was presented by Green Task Force members Kim Lake, David Mann, Catherine Talmadge. Also speaking in support of the request was Earth Markets, LLC President and CEO Kerry O'Neill. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request to endorse the Connecticut Clean Energy Communities Program and to authorize the Town of Westport to partner with other municipalities, the State of Connecticut, and a group of public, private, non-profit and academic organizations to submit a proposal to the U.S. Department of Energy in support of an initiative to advance clean energy and energy efficiency and conservation in households within the Town of Westport, as recommended by the Green Task Force, is hereby APPROVED.

APPROVAL OF RESOLUTION TO AUTHORIZE FIRST SELECTMAN GORDON F. JOSELOFF, THROUGHOUT HIS TERM OF OFFICE EXPIRING NOV. 19, 2013, TO SIGN ON BEHALF OF THE TOWN OF WESTPORT ALL CONTRACTS, LEASES AND OTHER AGREEMENTS WHICH HAVE BEEN APPROVED FOR SIGNATURE BY THE BOARD OF SELECTMEN OF THE TOWN OF WESTPORT

5. Item #5 was presented by Assistant Town Attorney Gail Kelly. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That First Selectman Gordon F. Joseloff is hereby authorized, throughout his term of office which expires Nov. 19, 2013, to sign on behalf of the Town of Westport all contracts, leases and other agreements which have been approved for signature by the Board of Selectmen of the Town of Westport.

APPROVAL OF RESOLUTION TO AUTHORIZE FIRST SELECTMAN GORDON F. JOSELOFF TO ENTER INTO WITH AND DELIVER TO THE STATE OF CONNECTICUT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY ANY AND ALL AGREEMENTS WHICH HAVE BEEN APPROVED BY THE BOARD OF SELECTMEN OF THE TOWN OF WESTPORT, AND TO DO ALL THINGS NECESSARY

AND APPROPRIATE TO CARRY OUT THE TERMS OF SUCH AGREEMENTS INCLUDING, BUT NOT LIMITED TO, EXECUTING SUCH OTHER DOCUMENTS THAT ARE INCIDENTAL THERETO

6. Item #6 was presented by Fire Chief Christopher Ackley and Assistant Town Attorney Gail Kelly. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That Gordon F. Joseloff, as First Selectman of the Town of Westport, is hereby authorized to enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all agreements which have been approved by the Board of Selectmen of the Town of Westport and to do all things necessary and appropriate to carry out the terms of such agreements including, but not limited to, executing such other documents that are incidental thereto.

APPROVAL OF AGREEMENT BETWEEN TOWN OF WESTPORT AND CONNECTICUT DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY FOR A FEMA GRANT SEVERE REPETITIVE LOSS PROGRAM, AS RELATES TO PROPERTY LOCATED AT 312 SOUTH COMPO ROAD

7. Item #7 was presented by Fire Chief Christopher Ackley. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request for an agreement between the Town of Westport and the Connecticut Department of Emergency Management and Homeland Security for a FEMA Grant Severe Repetitive Loss Program, as relates to property located at 312 South Compo Road, is hereby APPROVED.

APPROVAL OF LICENSE AND SUPPORT/MAINTENANCE AGREEMENT BETWEEN TOWN OF WESTPORT AND COPLOGIC, INC. FOR PURCHASE AND INSTALLATION OF A "DESK OFFICER ONLINE REPORTING SYSTEM" FOR THE WESTPORT POLICE DEPARTMENT, AND TO AUTHORIZE FIRST SELECTMEN GORDON F. JOSELOFF TO SIGN SUCH AGREEMENTS ON BEHALF OF THE TOWN OF WESTPORT

8. Item #8 was presented by Deputy Police Chief Dale Call. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request for a license and support/maintenance agreement between the Town of Westport and CopLogic, Inc. for the purchase and installation of a "Desk Officer Online Reporting System" for the Westport Police Department, and to authorize First Selectman Gordon F. Joseloff to sign such agreements on behalf of the Town of Westport is hereby APPROVED.

APPROVAL OF 3-YEAR LICENSE AGREEMENT BETWEEN TOWN OF WESTPORT AND HARBOR MARINE SERVICES FOR LAUNCH SERVICES FOR BOATERS TO ACCESS BOAT MOORINGS IN SAUGATUCK RIVER

9. Item #9 was presented by Parks & Recreation Administrative Manager Richard Giunta. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request for a 3-year license agreement between the Town of Westport and Harbor Marine Services for launch services for boaters to access boat moorings in Saugatuck River is hereby APPROVED.

APPROVAL OF RESIDENTIAL LEASE AGREEMENT BETWEEN TOWN OF WESTPORT AND CARMEN O'NEIL FOR TOWN-OWNED PROPERTY LOCATED AT 260 COMPO ROAD SOUTH, CABIN 1, FOR THREE-YEAR PERIOD COMMENCING NOV. 15, 2009

10. Item #10 was presented by Assistant Town Attorney Gail Kelly and Parks & Recreation Administrative Manager Richard Giunta. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request for a residential lease agreement between the Town of Westport and Carmen O'Neil for the town-owned property located at 260 Compo Road South, Cabin 1, for a three-year period commencing Nov. 15, 2009, is hereby APPROVED.

APPROVAL OF RESIDENTIAL LEASE AGREEMENT BETWEEN TOWN OF WESTPORT AND COLE AND CATHLEEN BAKER FOR TOWN-OWNED PROPERTY LOCATED AT 260 COMPO ROAD SOUTH, KNOLL HOUSE 1, FOR THREE-YEAR PERIOD COMMENCING NOV. 15, 2009

11. Item #11 was presented by Assistant Town Attorney Gail Kelly and Parks & Recreation Administrative Manager Richard Giunta. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request for a residential lease agreement between the Town of Westport and Cole and Cathleen Baker for the town-owned property located at 260 Compo Road South, Knoll House 1, for a three-year period commencing Nov. 15, 2009, is hereby APPROVED.

APPROVAL OF RESIDENTIAL LEASE AGREEMENT BETWEEN TOWN OF WESTPORT AND MICHAEL KRYSIUK FOR TOWN-OWNED PROPERTY LOCATED AT 260 COMPO ROAD SOUTH, KNOLL HOUSE 2, FOR THREE-YEAR PERIOD COMMENCING NOV. 15, 2009

12. Item #12 was presented by Assistant Town Attorney Gail Kelly and Parks & Recreation Administrative Manager Richard Giunta. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request for a residential lease agreement between the Town of Westport and Michael Krysiuk for the town-owned property located at 260 Compo Road

South, Knoll House 2, for a three-year period commencing Nov. 15, 2009, is hereby APPROVED.

APPROVAL OF RESIDENTIAL LEASE AGREEMENT BETWEEN TOWN OF WESTPORT AND CHRISTOPHER HEDLUND FOR TOWN-OWNED PROPERTY LOCATED AT 260 COMPO ROAD SOUTH, KNOLL HOUSE 3, FOR THREE-YEAR PERIOD COMMENCING NOV. 15, 2009

13. Item #13 was presented by Assistant Town Attorney Gail Kelly and Parks & Recreation Administrative Manager Richard Giunta. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request for a residential lease agreement between the Town of Westport and Christopher Hedlund for the town-owned property located at 260 Compo Road South, Knoll House 3, for a three-year period commencing Nov. 15, 2009, is hereby APPROVED.

APPROVAL OF RESIDENTIAL LEASE AGREEMENT BETWEEN TOWN OF WESTPORT AND SUNI CRUZ FOR TOWN-OWNED PROPERTY LOCATED AT 52 COMPO ROAD SOUTH, FOR ONE-YEAR PERIOD COMMENCING NOV. 15, 2009

14. Item #14 was presented by Assistant Town Attorney Gail Kelly and Parks & Recreation Administrative Manager Richard Giunta. Upon motion by Shelly A. Kassen, seconded by Gordon F. Joseloff and passed by a vote of 2-0, it was:

RESOLVED: That the request for a residential lease agreement between the Town of Westport and Suni Cruz for the town-owned property located at 52 Compo Road South, for a one-year period commencing Nov. 15, 2009, is hereby APPROVED.

Upon motion by Gordon F. Joseloff, seconded by Shelly A. Kassen and passed by a vote of 2-0, the public hearing was adjourned at 5 p.m.

Patricia Scully
Recording Secretary



WESTPORT, CONNECTICUT

GORDON F. JOSELOFF
First Selectman

BOS

#2

December 2, 2009

Board of Selectmen
Town of Westport
Westport, CT 06880

Dear Board Members:

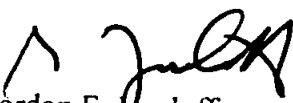
In accordance with the Policy for Naming Town Property, I hereby respectfully request that the Board of Selectmen name the 38-acre town-owned parcel located on the northwest corner of Coleytown Road, Easton Road and Bayberry Lane the Newman/Poses Nature Preserve.

In 1997, the town purchased 30 acres from the Poses family. The adjacent 7.5 acre parcel was also donated at the same time by the Newman family.

The Planning & Zoning Commission approved a zoning change on Sept. 3, 2009 creating the Dedicated Open Space & Recreation District. Under this new zone, the Poses/Newman property will remain completely natural and undeveloped.

Thank you for your consideration of this request.

Sincerely,


Gordon F. Joseloff
First Selectman

GFJ:ps

cc The Newman Family, c/o Joanne Woodward and Melissa Newman
The Poses Family, c/o Barbara Poses Kafka and Ernest Kafka
Aspetuck Land Trust, c/o David Brant and Jonathan Wagner
Lawrence Weisman, Esq.
G. Kenneth Bernhard, Esq.

**POLICY
FOR
NAMING TOWN PROPERTY
(APPROVED 7-29-98)**

1. Purpose.

It is the general policy of the Board of Selectmen, when presented with a request to honor an individual by naming town-owned real or personal property after the individual, to erect a plaque commemorating the contributions of the individual in lieu of naming town-owned property after the individual. The Board of Selectmen reserves the right to specify the manner in which plaques shall be worded and where they shall be placed, and further reserves the right to reject those requests which it deems inappropriate or unsuitable.

In extraordinary circumstances the Board of Selectmen shall be empowered to name town-owned property in honor of an individual if it is determined to be in the best interests of the town. No public facility shall be so named without the approval of the RTM. Public facilities include land, buildings, rooms within a building, and the like, but do not include park benches, and the like. The Board of Selectmen shall make the final determination as to whether town-owned property is a public facility.

This policy shall not apply to requests to name town-owned streets.

2. Administrative procedures.

- A. A naming request shall be submitted in writing to the First Selectman, indicating the nature of the contributions the individual has made to the community, and describing the property to be named.
- B. Upon receipt of the written submission, the First Selectman shall review all pertinent information related to the request and prepare a recommendation as to approval or disapproval by the Board of Selectmen.
- C. If the Board of Selectmen approves of the naming request, and the naming request involves a public facility, it shall forward its approval to the Moderator of the RTM to be placed on the agenda for the next available meeting. No public facility shall be so named without the final approval of the RTM.
- D. When reviewing a naming request involving property which is under the control of the Board of Education, the First Selectman shall forward to the Board of Education the naming request to be placed on the agenda for the next available meeting. The Board of Education shall communicate any objection to the naming request to the First

Selectman within one week after said meeting. The Board of Selectmen shall consider any objection of the Board of Education when reviewing said naming request.

3. Criteria.

A. When considering whether to approve of a plaque and/or naming of town-owned property, the Board of Selectmen shall consider the following:

- (1) Whether it would be appropriate and in the best interests of the town to name the property which is the subject of the request.
- (2) Whether it would be appropriate to name and/or erect a plaque in honor of the individual who is the subject of the request.
- (3) Whether naming the property may conflict in any way with the town's ethical or moral policies.
- (4) Service to the town or community.
- (5) The nature and significance of the individual's contribution to the community.
- (6) The individual should be respected throughout the community.

RTM Meeting
January 5, 2010

The call

1. To take such action as the meeting may determine, upon the recommendation of the RTM Moderator, to disband the RTM School Building Committee.
2. To take such action as the meeting may determine, upon the recommendation of the Conservation Commission, to approve the WPLO application #IWW, WPL 8514-09 by the Town of Westport, Department of Public Works for the replacement of twin 24" RCP pipes with one 3' x 12' culvert, removal of road sand from brook by dredging and minor widening of the channel in the Willow Brook Stream area at Richmondville Avenue and Carlisle Court.
3. To take such action as the meeting may determine, upon the recommendation of the Conservation Commission, to approve the WPLO application #WPL 8522-09 by the Town of Westport, Parks and Recreation Department for the replacement of the current temporary stage structure with two permanent structures (stage and entrance) and associated site improvements at 20 Jesup Road, Levitt Pavilion.
4. Each RTM District will convene to select a representative from their district to the RTM Rules Committee.

Minutes

Moderator Hadley Rose:

This meeting of Westport's Representative Town Meeting is now called to order. We welcome those who join us tonight in the Town Hall auditorium as well as those watching on cable channel 79 or those watching us streaming live on www.westportct.gov. My name is Hadley Rose and I am the RTM Moderator. On my right is the RTM secretary, Jackie Fuchs. This evening's invocation will be given by Linda Bruce who I do not see. Do you want to wing one Jon? You're the only one I trust on this one.

Jonathan Steinberg, district 8:

I may choose to filibuster until she arrives. I'd like to welcome... [microphone malfunction.]

Mr. Rose: We are going to go into a brief TV timeout.

Mr. Steinberg:

As you can see, heroism is defined in large ways and small ways on occasion. As I was trying to say before, I welcome all my RTM colleagues back to a new year and here comes Linda.

Linda Bruce, district 2:

Good evening. With this invocation, I ask you not to close your eyes but to keep them open to the possibilities. Let us also keep them open to the serious issues that our Town faces and the ways that we can and should improve. I ask you not to bow your heads but to look up at what you can accomplish by applying your considerable talents and experience to the problems that confront us. As we all work together on behalf of all Westporters, may we gain strength and sustenance from one another through reason and compassion.

There were 27 members present. Ms. Milwe, Mr. Keenan, Ms. Ancel, Dr. Cunitz, Mr. Seidman, Mr. Wieser, Ms. Levy, Ms. Batteau, and Dr. Heller notified the Moderator they would be absent.

Mr. Rose:

Corrections to Nov. 10 or Dec. 1 minutes, please notify Jackie or myself.

Birthday greetings this month: Mr. Timmins, Ms. Shine, Mr. Klinge, Mr. Rubin, and Mr. Galan, happy birthday to you.

The next RTM meeting will be next Wednesday, the 13th, here at eight o'clock.

RTM Committee meetings:

- Health and Human Services, Jan. 27, particulars will follow.
- Tomorrow night, the P&Z Committee will have that second meeting that they were unsure about at 8 p.m., room 102.

RTM Announcements

Bill Meyer, district 3 and Allen Bomes, district 7:

Mr. Meyer:

First Night, it's the place to be. We've got some RTM people that are great. George Underhill. He helped fundraise for us, worked all night. He's going to join our board, we hope. Steve Rubin, sixth straight year, right? He takes all the money. Our hero, Allen Bomes, he's our treasurer. If it weren't for him...every First Night in this area has failed except for Westport because of him. He even got his wife to work at Toquet Hall at the Battle of the Bands. He didn't even give her ear plugs. Gordon, thanks for going.

Eileen Flug, district 9:

I'd like to invite you all to the GVI Winter Party a week from Saturday on Jan. 16 from seven to midnight at the Unitarian Church at 10 Lyons Plains Road. This is a fundraiser for the Connecticut Fund for the Environment and the Connecticut League of Conservation Voters. Admission is \$50 a person which includes a big band style band, live music, open bar, good food, silent auction. If you are not familiar with GVI, it is the Green Village Initiative. It's a new grass roots non-profit established about a year ago to support Westporters who are passionate about creating local environmental and community change. Our projects to-date have included the Westport Town Farm at historic Wakeman Farm, which we just got unanimous approval for from the appropriate boards and commissions and will

be starting up in the spring, Staples High School edible garden, protecting the bag ban legislation at the state level, funding our farmers market and Earthplace's energy study, helping to sponsor the Sherwood Mill Pond preserve, sponsoring Ecofest 2009, and numerous film and lecture presentations. You can find out more at Westportgvi.org. I hope you can all come.

Matthew Mandell, district 1:

As you know, the RTM P&Z committee met last night on the appeal of the Historic Design District. What occurred was one individual made an impassioned plea about the Inn at National Hall being a treasure of Westport. I went there today and took a look at it. Before we go and take a vote next Wednesday, I believe that every RTM member should take a look at the Inn at National Hall, take a tour of the building and see the artwork and how each room was designed. It is important for us to have a full grasp of all the information before we make any vote. I am looking to put together a trip, specifically with our committee at some point to go but if I can't, just go there, ask for Marco, he's the manager, and take a tour. He'd be happy to show you all the rooms and see how these rooms were designed.

Jack Klinge, district 7:

Since I have a birthday this month, I can speak even more resolutely about the Senior Center activities. Another notch on the belt. Due to the great storm in December, our first music concert this year was postponed and it going to be this Sunday, Jan. 10. It promises to be a good event. Doors open at one o'clock. Free food and beverages and the show starts at two. There will be a January concert on Jan. 17 so we are doing back to back, much like the NFL does in the playoffs. We are competing with the NFL for your Sunday afternoons but we provide free food and beverages and a great show. So, come one, come all. I'd like to see you there.

The secretary read item #1 of the call – Disband the School Building Committee. By show of hands, the motion passes unanimously 27-0.

Presentation

First Selectman Gordon Joseloff:

Happy New Year! I guess it was about 13 years ago that this body created the initial School Building Committee. It did so at my instigation. We had on our plate a massive building project that we knew would take a long time and lots of dollars. It was my feeling, at the time, that in order to get the Town behind it, it ought to be a Town project; that is, there ought to be citizens involved who were not merely parents, or Board of Education related, but that they be townies, if you will. I think we succeeded. In the memory of this Town, I can't recall a committee set up for a purpose that has gone on for 13 years. We have had a number of RTM members who served on the committee, a number of residents who served on the committee and, believe it or not, we had a Chair, Jo Fuchs Luscombe who served throughout. I approached her and asked her to do it. I said this probably

will be something you can do for just a little bit and here we are 13 years later. So, we are indebted to those who served on the committee, the citizens, the RTM members, those involved. It was a massive project. We see the results in our Town. Our schools are number one. They are our most important asset. Thanks to the people who served on the School Building Committee for persevering. Virtually every school but certainly Green's Farms, Saugatuck, Staples, Coleytown Middle, Kings Highway, Long Lots, I believe, were involved in some kind of massive reconstruction or improvement. As I say, I think it's done the Town very well. The committee was formed under state statute. This body, by state statute, had the authority to create a School Building Committee, a building committee for school projects. This body has the authority, I've recommended to the Moderator, that it disband the committee. We have only less than a quorum of members who continue to serve. They have effectively completed their work. With the consent of the School Superintendent and those involved, there are a couple of loose strings that are in the process of being cleaned up but, at this point, I think we can safely say we can disband the committee and with a great debt of gratitude thank them for the work they have done. The Town will for decades reap the rewards of what they have done. So, I thank them and I thank you and I thank all those who have been involved in the committee. I urge you to adopt the recommendation.

Members of the public – no comments

Mr. Steinberg read the resolution and it was seconded by Mr. Rubin:

RESOLVED: That upon the recommendation of the RTM Moderator, the School Building Committee is hereby disbanded.

Members of the RTM

Mr. Klinge:

I have no problem with the committee being terminated. I do have a problem with the fact that one of the loose ends that Gordon mentioned as strings. It's obvious to me every time I substitute teach at Staples when it's either a very hot day or a very cold day, we still have an HVAC problem in the building. This past December, before the holidays when it was cold, there were teachers in some rooms with triple layers of coats on and hats and other rooms it was very hot. I understand there is a dispute whether it is a design problem or a construction problem. I would just like to make sure that somewhere out there, somebody, some group will keep our body informed as to what is going on. That problem has not been fixed. It is not a small string, it is a rope. It is much discussed in the halls of the building, especially when the weather is like it has been recently. I am looking in the audience. I don't see anybody raising their hands to keep us informed but somebody in this Town needs to keep us informed as to the status of the HVAC system at Staples and how we are going to resolve that problem. I am looking for somebody to say, I am the one. Is there anybody out there tonight?

Mr. Joseloff:

Hey, Jack, the buck stops here. Russ Blair is here. Russ is probably as expert in the HVAC system. My understanding, Russ, correct me if I'm wrong, is that the Board of Education has hired an HVAC engineer. In effect, they have taken over the problem. I hope they are in the process of resolving it. It has been a problem. When you do these massive projects, everything doesn't always go according to plan. Now they have somebody on staff designated as the point person. I would expect through our Education Committee and the Board of Education, they will keep this body informed. Russ, do you have anything you want to add? [No.]

Mr. Bomes:

I guess I served as the Chair of the RTM Special School Building Committee so I am up here for the last time in that capacity. Without intending to slight any member of the School Building Committee, some are here today, I do want to acknowledge one person in particular. I'd like to recognize the contribution of the Chair of the School Building Committee, Josephine Fuchs Luscombe. In her leadership role, she was able to pull together the many factions that existed, the committee themselves, the Board of Education and the funding bodies. Not everyone was on the same page at the same time but everyone had different factions. I think she pulled everything together. She was able to get everyone to cooperate for the benefit of the Town. I am not sure that everything would have been done as well as it did without her role in this matter.

Dick Lowenstein, district 5:

Following up on Jack Klinge's comment, had we not had the School Building Committee, the Public Site and Building Commission would have had responsibility. Can we assume that with the dissolution of this special School Building Committee that Public Site and Building Commission will have responsibility for follow up, if any, on Staples High School?

Mr. Joseloff:

The Public Site and Building Commission relishes getting involved with the welcoming attitude of the Board of Education in the HVAC at Kings Highway and the other projects so, I would think that Public Site would be involved. Russ Blair, who has been on the School Building Committee, is a member of Public Site so there is a good continuation of knowledge. Remember, these are Westport citizens and Westport taxpayers and they want to see a job well done and completed. One of the reasons that we had a deterioration of school buildings over the years was the reluctance to, at times, fully fund some of the maintenance requirements. It is imperative that this body, the Board of Education and Public Site and Building, all of us together recognize that this is a commitment that we have to make. Otherwise, 10 or 20 years from now, we will find ourselves again behind the eight ball with buildings that have deteriorated. We have to maintain the buildings. I think everybody recognizes now that we need to do that. To answer your question, Public Site would be the lead non-Board of Ed entity. I think Public Works or whatever committee would be the liaison with them, or the Ed Committee perhaps, I'm sure their members or their chair are very willing to share their information with this body.

Mike Rea, district 8:

I would be remiss if we didn't to take a moment to thank the First Selectman, then acting as Moderator, for having the foresight and vision. We just came off a decade of rebuilding our schools. I'm not sure it could have just been done just by experts and engineers and architects and contractors. I'm not sure it could have been just by volunteers without the mix of the talent of architects and engineers and contractors that we have within our community. It was an interesting blend. It was sensitive to taxpayers always abiding by the desires and the needs of the Board of Education and how they saw their schools as learning environments. When I served on it, the project I was on was almost five and a half years but that pales to the contribution of many, many of them sitting in the audience tonight: Russ, Howard Lathrop, Dan Kail, people like that. I think of Jo Fuchs Luscombe and Richard Eldh who is no longer with us who did such a superior job on Coleytown project. As we move forward into this decade, the investment, it's bonded and we're still paying for it, it would be a shame and a waste if we didn't keep a high commitment to maintaining those schools. We cannot let them run down. We need to be very vigilant, the Town and the Board of Education, making sure our investment in our kids lasts.

Mr. Joseloff:

Let me also thank Tammy Pincavage and also Mike Rea earned the nickname "On time, under budget". Every report he presented to this body, Mike did a fabulous job. A lot of gratitude to go around, a lot of praise. I echo Mike's sentiments to keep it up.

By show of hands, the motion passes unanimously 27-0.

The secretary read item #2 of the call - Replacement of twin 24" RCP pipes with one 3' x 12' culvert, removal of road sand from brook by dredging and minor widening of the channel in the Willow Brook Stream area at Richmondville Avenue and Carlisle Court. By show of hands, the motion passes unanimously 27-0.

Presentation

Steve Edwards, Director, Public Works Department:

The project before you tonight is a WPLO. Reminding you what a WPLO is, it is a final review by this body on behalf of the Town because it is a Town project. Any project done by a private developer would not come before this body. This is the final check and balance that essentially the RTM would review Town projects after they go through Conservation Commission and the Flood and Erosion Control Board. The two appointed bodies within the Town, Flood and Erosion Control Board and Conservation Commission have already reviewed this project, have approved the project and now we are sending it through for final review and authorization. As I said, should this be a private development project, it would not go through this step. The project, at this point now, is for technical review. The

project will come back to you for financial approval. This project coming down the line will probably be something in the neighborhood of about \$300,000 when it comes before you, hopefully, in the next couple of months for financial review and approval. What this is is a stream improvement project. It is an offshoot from the Leonard Jackson program that was initiated back in the mid 70's. During that time, the Town went through a series of wet seasons and the Town was seeing flooding throughout the Town. Leonard Jackson was commissioned by Flood and Erosion Control Board, on behalf of the Town, to go through and look at the major flooding areas in Town, the major water courses. He identified nine major streams. For the past 30 years, we have gone through and attempted to address as many of those as we can in a programmed staged process. We have had improvement projects on Muddy Brook, Silver Brook, Dead Man's Brook, Sasco Creek. This is the first on Willow Brook. Willow Brook, we had waters coming out of the canal under Richmondville, goes up along Main Street up into Weston Road, Hockanum, Gault Park all the way to Cobb Drive. That area is Willow Brook, this being the first culvert of major importance on Willow Brook. The project here is to replace twin 24" pipes put in back in the '40's that have certainly served their purpose but, under today's standards, they are well undersized. The design now is to replace twin pipes with a single 3' x 12' precast concrete culvert. We would like to do this work over the summer during the dry season. We have gotten the necessary easements which, in this Town, is no easy endeavor and the project is ready to go forward. The only thing we are missing right now is your approval, funding and DEP. DEP has this under review right now and we are anticipating a response next month or two months. This project is much needed. Anybody who is familiar with the neighborhood down there is well acquainted with the fact that Richmondville does flood. Any major storm event, water does cover Richmondville and does make it impassable. It's been well documented. Thank you "Westportnow" for helping the cause. In this one area, it is well documented. We need your support on this.

Committee report

Environment Committee, Cathy Talmadge, district 6:

Steve did an excellent job summarizing the situation. We met last night and reviewed the maps and project with Steve. I think the only thing that he didn't mention was this has been in the capital request and was set to go three years ago but it took a little longer to get the easements than was expected. The committee approved it unanimously, recommended approval.

Members of the Westport electorate – no comments

Mr. Steinberg read the resolution and it was seconded by Mr. Rubin:

RESOLVED: That upon the recommendation of the Conservation Commission and the Flood and Erosion Control Board, the WPLO application #IWW, WPL 8514-09 submitted by the Public Works Department for the replacement of twin 24" RCP pipes with one 3' x 12' culvert, removal of road sand from brook by dredging and minor widening of the channel in the Willow Brook Stream area at Richmondville Avenue and Carlisle Court is hereby approved subject to the

conditions and restrictions imposed by the Conservation Commission in its decision dated October 21, 2009 and by the Flood and Erosion Control Board in its decision dated September 2, 2009.

Mr. Rose: We have a second by Mr. Rubin.

Members of the RTM – no comments

By show of hands, the motion passed unanimously, 27-0

The secretary read item #3 of the call – To approve the replacement of the current temporary stage structure with two permanent structures (stage and entrance) and associated site improvements at 20 Jesup Road, Levitt Pavilion. By show of hands, the motion passed unanimously, 27-0

Presentation

Stuart McCarthy, Chair of the Levitt Pavilion Building Committee:

We are here this evening seeking RTM final approval under the Waterway Protection Line Ordinance (WPLO) for an application related to the construction of the new Levitt Pavilion. The application has been approved with conditions by the Flood and Erosion Control Board and the Conservation Commission. This represents the final approval required under the local land use approval stage of the project. A final DEP approval will be required prior to beginning construction. The Levitt Pavilion will be returning to the RTM in the next few months for a full review of the proposed project including funding and operation of the new pavilion. Unfortunately, the WPLO statute has strict time restrictions with no provision for waiver of those time requirements and other elements of the RTM review of this project are not currently developed sufficiently to provide for simultaneous review. These other elements are anticipated to include project funding in the form of an acceptance of a gift to the Town from Friends of the Levitt Pavilion as well as a request for an appropriation by the Town for a part of the cost of the project. That future discussion will also address project budget, management of contingency costs and management of contingencies related to construction within the existing Town landfill. Additionally, we will be prepared, at that time, to discuss the operation of the pavilion including lease arrangements and long term maintenance of the grounds and facilities. The WPLO regulates dumping, filling and transferring of any materials and the encroachment by any construction building or portion of a building or other permanent structure within said Waterway Protection Lines. In this case, the regulated activity within the Waterway Protection Lines, as shown on this map, consists exclusively of improving and constructing a new pedestrian pathway around the lower perimeter of the Levitt Pavilion site and related landscape improvements. The pathway will be widened to a uniform width around the site, surfaced with a permeable surface and landscaping will take place intended to open views of the river while reducing the invasive plant species which currently dominate the site.

None of the construction activities related to the building of the Levitt Pavilion takes place within the WPL. The construction of this extension to the current library river walk will provide a pedestrian link around the site from the library to the Imperial Avenue footbridge and is included in this project at the strong urging of the Parks and Recreation Commission and consistent with the Town Plan of Conservation and Development and a number of plans for the downtown area over the past many years. Concerns were raised by the Conservation Department and Conservation Commission relating to the potential impact of work outside of the WPL related to pile driving and excavation related to the buildings. There were conditions placed in that approval related to site monitoring and communication with Conservation staff. The Levitt Pavilion Building Committee has no issue with those recommendations and we anticipate working closely with the Conservation staff as well as the Department of Public Works related to construction within the landfill. To that end, we will be employing Leggette, Brashears and Graham, the groundwater and engineering firm that has worked on this site previously during the construction and renovations of the public library and the Westport Police Department. While I appreciate the comments and concerns raised last evening at the Environment Committee related to the desire to see the entire project including overall project costs and a more complete understanding of the issues related to the landfill, that information is still being developed. In the meantime, as I stated earlier, there is a strict time limit as called for under the WPLO ordinance on this specific approval. It is standard procedure to seek all land use approvals prior to a request for financial review as the changes and conditions placed on the project during the land use approvals often can and, in this case, certainly will impact the final project specifications and costs. The project will be presented to the RTM in its entirety at a later date and the action taken tonight, while an important step in the process, does not carry with it any commitment to proceed with the project. The project cannot proceed without additional action by the RTM at a later date. We are not committed. We are one step along. In addition to myself, available this evening to address any questions you may have are Peter Cadoux, Project Architect, David Verespy of Rock Spring Design Group, the landscape architect and Paul Jobmann of Leggette Brashears and Graham, Inc., professional groundwater and environmental engineering services, who will be dealing with the issues related to the construction on the existing landfill. We are here to answer any questions.

Committee report

Environment Committee, Mr. Steinberg:

The RTM Environment Committee met last night, Monday, Jan. 4 to discuss the proposed Levitt Pavilion renovation project. The Committee was joined by Stuart McCarthy, Director of the Parks & Recreation Dept., as well as Co-Chair of the Levitt Pavilion Building Committee, and by David Derespy, the project's landscape architect. The RTM is obligated to review the Levitt Pavilion project as per its oversight role of WPLO matters. Although the Committee discussed environmental issues relating to the entire project, the specific focus of the proposal before the RTM pertains to the proposed improvements to the pathway

which circumscribes virtually the entire perimeter of the peninsula on which the Levitt Pavilion is situated. As per an understanding with the Conservation Commission, the Parks & Recreation Commission decided to include the pathway improvements as part of the main proposal to replace the Levitt's stage and support buildings, as well as regrade the lawn. The proposed pathway, which lies outside the 25-year and 100-year floodplains, currently is almost in a "natural state" (i.e., without enhancements) and bordered on the waterward side by overgrown trees and scrub, much of which are invasive species. The Building Committee proposes to improve the pathway with a uniform six foot-wide, semi-permeable surface, and safety reinforcements such as aluminum edging on the waterward side and reinforced timbers as a retaining wall in spots. Additionally, after consultation with the Conservation Commission, the Levitt and the Parks & Rec. Dept. will coppice, that's your vocabulary word for today which means to prune in a fashion to keep the plants in a juvenile state, will coppice waterward vegetation back to no more than two-feet in height (excepting some indigenous trees) and maintain that condition with a twice-a-year pruning programs. This program will promote improved views of the river, limit erosion, and hopefully keep the invasive species from reaching the more mature seed stage where they might spread downstream. The committee discussion centered on concerns such as:

- ✓ Approving this proposal before firm costs/funding have been established;
- ✓ Approving the proposal without substantial information on the main project components;
- ✓ Digging on the property (to anchor and level the stage and support buildings) given the site's EPA Superfund landfill designation and scant documentation on the landfill's contents.

Stuart McCarthy assured the Committee that this proposal was only one stage in a lengthy approval process, and that the RTM would have another "bite at the apple" several months down the road, when the Levitt will require RTM approval for appropriation of Town funds and acceptance of gift funding from the Friends of the Levitt. He assured the Committee that the requested construction and cost information would be made available, but also acknowledged that the landfill's unknowns represent a measure of risk that can be anticipated but not fully defined in advance. The RTM Environment Committee voted 5-0-2, Batteau and Rea abstaining, to recommend approval of the proposal by the full RTM.

Members of the Westport electorate

Richard Kestenbaum, 8 Peaceful Lane, Chair of Parks and Recreation Commission:

I am chair of the Parks and Recreation Commission and I also served on the 2007 Town Plan Implementation Committee and on that committee's Downtown Planning Subcommittee. In my capacity as Chairman of the Parks and Recreation Commission, I want to focus your attention, please, that you are involved in a procedural vote based on a waterline issue for approval to effect work Town-done on a path surrounding the Levitt Pavilion that the Parks and Recreation unanimously and emphatically supports. We want to make that support very clear to you because you are going to hear that again from us as

this process unfolds. When the Levitt Pavilion came to us for review and approval of the project, we walked the site. We talked to them very in depth about what their plans were for this path development. We think it's an absolutely integral development project and the fact that the Levitt is being redone and that this path can be opened up, cleaned up, so that we have recaptured some very valuable open and passive space. It's just something that is a windfall and a boon and I urge you to keep your focus on that ball as you deal with this procedural issue. In my capacity as a member of the Planning Implementation Committee and the Downtown Committee, especially, I can't speak for them and I won't but I will tell you that my review of the plan and my review of discussions in meetings over the past year and a half, indicate that the development of this path is a critical component of promoting vitality of downtown, promoting passive and open use of downtown and reinvigorating our downtown community. Again, I urge you to keep your eye on that ball.

Members of the public – no comments

Mr. Steinberg read the resolution and it was seconded.

RESOLVED: That upon the recommendation of the Conservation Commission and the Flood and Erosion Control Board, the WPLO application #WPL 8522-09 submitted by the Parks and Recreation Department for the replacement of the current temporary stage structure with two permanent structures (stage and entrance) and associated site improvements at 20 Jesup Road, Levitt Pavilion is hereby approved in part and denied in part in accordance with the decision of the Conservation Commission dated October 21, 2009 and the decision of the Flood and Erosion Control Board dated September 2, 2009.

Mr. Rose: A second by Mr. Rubin.

Members of the RTM

Mr. Rea:

I didn't feel I had enough information to vote in favor of this; although, in my heart, I'd really like to. I remember playing on this site, Little League Baseball, back before, it was affectionately called Mount Kemish. It was a dump at the time. I guess it was the Doubleday Field. Now it sits there. Certainly, as one who appreciates downtown and the past activities of the Levitt Pavilion and everything else, in my heart of hearts, this is a charming feel-good project. I'm not quite sure I still feel comfortable taking on this project in these economic times, not knowing about what potentially the costs are. I trust that the Parks and Rec., the administration, the Levitt Pavilion will give us that bite of the apple. It could be, by the time we get a bite of that apple, there may be other concerns that will put this into perspective. So, I'm not going to talk about the financial aspect of it right now as much as I would like to ask a few questions. We called it landfill but it's a Superfund site. I don't know what the right terminology is. It's a hot spot. It's a dump. It has a potential of hazardous material that may be in there where any kind of disturbance with the cap that's put over there could have a profound effect on the environment. It's surrounded by water. Leggette, Brashears and

Graham is a firm I'm very familiar with. I'd like to ask them to talk about what their knowledge is of a site like this and what other municipalities, because, clearly, other municipalities are trying to reclaim landfill sites and are going through this kind of a thing. So, I'd like to hear specifically what you know about the site, what you are going to attempt over the next few months to find out about the site, how you are going to monitor those activities and what involvement the DEP might have in those activities. I'd also like to ask the Town Attorney if the Town is looking at adequate environment insurance on this site. If there is an event, it could be very, very expensive. We won't be talking about Levitt Pavilion. We'll be talking about a remediation issue that we may be well obligated to fulfill. So, I am concerned about those types of issues. Maybe Leggette, Brashears and Graham and the Town Attorney could address those.

Mr. Rose:

Is this something that you can address also when we talk about the overall project? Do you want this specifically to the WPLO project? I am just trying to define what you are asking the question about. Do you want it specifically for the WPLO or part of the larger site overview?

Mr. Rea:

When you are talking the WPLO, you are talking about the whole project. The idea of the WPLO, it rings the island. If you are having activities on that land that is going to bring more disturbance, more traffic, it may be desirable to some but it is an increase of activities so the construction and the moving of the earth is certainly something that comes up under the WPLO. My first question is to Leggette, Brashears and then, if you would be good enough, then if the Assistant Town Attorney would address the insurance and the liability issues.

Paul Jobmann, Leggette, Brashears and Graham:

Our firm was involved in 1984 for the library. In fact, the people who were involved with it are still with the firm. Russ Slayback was the principal at that time and he's still with the company. The field staff who were involved with that work are still with the company. All the work that is going to be conducted including the walkway requires DEP authorization. That authorization requires a monitoring plan which would have somebody from my firm on site during any excavation, any disruption of landfill. Back in 1984, we did some soil investigation for the library project. The DEP did come onto the property at that time. Most of what was found was a mix of soil and household refuse. We don't have any evidence at this time that there were chemicals or anything like that dumped into the landfill. To our knowledge it was just a solid waste landfill. The DEP did comment at that time that there was a lot, typically, what happens is a waste is disposed in a landfill and then it's mixed daily. He commented at that time in the report that there was more soil mixed into the waste which is a good thing. It means there's not as much waste in the landfill. The piles that they are going to be driving are typically 12" diameter. They don't require an excavation. Typically, they are driven right down. At that time we would have somebody on site, as well, with different types of equipment to monitor methane, landfill gases, also, volatile

organic compounds, typically, the gasoline's, the dry cleaning solvents and stuff like that just as a precaution, something that we do all the time. Your question on other municipalities, yes, they are doing work similar to this. I personally have not been involved. The firm has. A lot of the work that they are doing is more just surface work. They are putting in walking paths that don't require excavation or pile work into the waste itself. It is common practice to have staff capable of monitoring all the work that's going on. Once again, it does have to be approved by the DEP. The monitoring plan itself and also emergency response measures in case we do find something, shutting it down, contacting the appropriate people, if necessary, contacting spill response contractors but that's typically laid out in the plan itself.

Mr. Rose: Mike does that answer your question in that area?

Mr. Rea:

Yes. If there is an event, from your firm's experience, what generally happens? What is the DEP involvement at that point? Is that site then committed to the full remediation? Does it fall under DEP?

Mr. Jobmann:

Typically, if something is encountered, we contact the DEP. They would send down a response contractor and discuss what is the correct response. I believe most of the excavation work is shallow so we don't expect to get into any soil. If we do come across something, there would be remediation at that point. There is soil boring data that the geotechnical firm has put together and we would do an evaluation of that data. Typically, they will characterize what they are drilling. If they see any chemicals or any signs of industrial waste, they would call attention to that and potentially redirect what is going on there or take additional precautions. I don't know the base of the landfill. A lot of times they are built on a clay layer so that it prevents anything from migrating beneath that. I don't believe we're going to be drilling deeper than that to begin with. We will just try to find something sturdy to put the piles onto.

Mr. Rea: I think they said it was 67 feet.

Gail Kelly, Assistant Town Attorney:

The issue of insurance has been discussed with our insurance company. The Town doesn't have pollution insurance. It's excluded from the Town's general liability policy. As I said, we are concerned about the same thing. I am in the process of gathering information that has just been discussed with you, what the DEP protocol would be in the event there was a situation that required remediation and what type of coverage the Town could get in the event it had to remediate as a result of this project. I am in conversation with the insurance company. Stuart is joining me in that conversation. We are gathering information for them now. So, it is a topic of conversation.

Mr. Rea:

My point is you get insurance before you actually commit yourself to anything that would incur an event. Have that insurance beforehand so get that in place up front.

Ms. Kelly:

Yes. That is our hope to make sure that we would have coverage in the event of an unforeseen situation that would require funds to remediate to see whether or not we could get insurance for that. So, that's what we are looking at. I don't know the answer to that. The insurance company is asking for more information from us.

Mr. Rea:

If I follow the process then, you would take that policy out before any excavations. That would be a cost we would incur up front.

Ms. Kelly:

You'd want to get that in place first. We are still in the information gathering stage with the insurance company. We'd have to go out and find a policy that would cover a situation like this. At this point, our representative and I are speaking about it. We are still investigating that type of coverage.

Mr. Mandell:

The first thing is for Gail. In reading this resolution, it doesn't specifically say that we are only approving the WPLO area and only the path. It goes on to say the structures, the staging. I was wondering why is it written this way? If you could explain to the body why the resolution is so large and not saying we are just approving the WPLO aspect of the application.

Alicia Mozian, Director, Conservation Department:

When the applicant submitted the WPLO application, it was described pretty much the way you read it here:

Replacement of the current temporary stage structure with two permanent structures, stage and entrance and associated site improvements.

That's how it appeared on the WPLO application as it was submitted to the Flood Board and the Conservation Commission. Furthermore, the project, I don't know if you recall, there was a Code Enforcement Committee meeting about this project back in June. Soon after that, I brought it to the Conservation Commission and asked them if they wanted to review the whole project or just the pathway. They felt, because of such a high profile project, the Levitt being center stage in Town, that they wanted to review the whole thing and, furthermore, I talked to Ira Bloom because, just as Stuart had said, the only real work in the WPLO is the pathway construction; however, if there is work outside the WPLO that could have an effect on the waterway, we could also consider that but in our findings and in our resolutions we had to be very specific and thorough in making that connection of what work could actually effect the waterway. That's the long answer.

Mr. Mandell:

I just want to make sure that in our approval of this resolution, it won't be construed that we're approving anything else other than the WPLO aspect. The other question is buffers have become a big issue protecting waterways and the WPLO is part of that protection. Alicia, are you comfortable with the constraints that are being placed by the Conservation Commission in protecting the Saugatuck River area with the silt fence and the work that's being done?

Ms. Mozian:

The short answer is yes. It's not just the silt fencing. If you read the resolution of the Conservation Commission, it was approving part and denying part. The denying part was the extensive removal of the vegetation on the slope that the applicant first wanted to do because there are, it is overwrought with invasive plants that includes trees, Norway Maples that are pretty good size in diameter plus the Tree of Heaven. Those are invasive plants but they also have significant root structures that hold the embankment in place. We didn't want those to be removed and replaced with grasses that don't have the same root structure. So, we came up with a compromise. On the steepest part of the hillside, those invasives have to stay but they can be severely pruned and that's where that word coppicing comes in that Jonathan said in his report but on the uphill, we could do the invasive removal. We were very concerned about protecting that vegetative buffer for erosion control.

Mr. Steinberg:

I hesitate to bring this up but I find myself disagreeing with my esteemed colleague in district 8, Mr. Rea. If my recollection is correct, I believe the Little league field was Rogers Field not Doubleday. I never hit well in that park.

I'd like to reiterate a point with regard to the opportunity, the potential that this walkway represents. As the Chair of the Downtown Plan Subcommittee of the Town Planning and Implementation Committee but speaking only for myself, you don't really have to be a member of this committee to appreciate the potential of this walkway in terms of becoming an enhanced Town asset. If you can envision watching the river as someone sculls up it or the river at sunset, many things you really can't do now because of the blockage caused by this overgrown shrubbery, it really can be a tremendous Town asset. It's almost as if you can be in downtown Westport and be transported elsewhere to a more rustic setting if you don't look across the river too much. I think that it's an opportunity for us to do the right thing and I commend the Conservation Commission which went out of its way to make sure this was included in the project so that they are not only doing right by the Levitt, but they are doing right by the Town.

Kevin Green, district 9:

I, too, am advocating for this resolution. In the past I have lived in many places with waterfront. A real notable one is Chicago. In Chicago there is 20 miles of beach front. You can start at one end of town and run along the beach the entire way down to the south side of Chicago. Coming here, we came here after

Chicago. One day my wife and I were looking around Town, walking around and we got to the point at the end of the parking lot along the path. This was 10 years ago. It was as if we couldn't go any further. It was too thick for us to make our way through the path. Since then, we have been hoping and trying to figure out how we personally can help improve the access to the waterfront. This project really does that. In the Town Plan, there is a proposal for a bike path on both sides of the river. It goes all the way up. Lord knows if we'll ever get there. My goal when I got into the RTM was to try and help get paths in so that my kids and I could bike to the beach without having to worry about traffic. You can't really do that right now. Now that I have been on the RTM, I think my goal is to ride with my grandkids to the beach, the way things go. That's one aspect. Mr. Rea makes some interesting points and I want to just counter what I just said. The other place, similar in style to this was Ann Arbor. I was walking in a park similar to this outside of Town with a naturalist at the time, someone who had studied the local wild life. We were walking on a path that was kind of a similar thing. I said this is great. We can walk around here and look at nature. The retort was, 'You know, I used to walk here before they put the path in and I always saw animals and I don't see animals.' That's the one part of me that gives me a reservation because it would be nice to have places that are still unprotected where people don't go to just for the wildlife situation. In this particular case, what swayed me the most was the fact that this isn't too natural anyway, in particular, the non-native species. I want to just close with an admonition to Parks and Rec. and to Conservation to try to figure out a way to get beyond the coppicing and see if there is a way to put in more of the natural species and plants even if it takes 20 years, even if it takes until when I can take my grandkids on this path. I encourage you to do so.

Mr. Meyer:

Just to reiterate what the previous two speakers have said. I have been down there with my wife, walking around. I have been with the little boy that I mentor. The view is beautiful from there. Maybe you could put some benches for people like Y's Men could sit there and look out on the river. I am all for this.

Ms. Flug:

I am in support of the pathway. I have a dream that someday there will be a complete loop connecting the bridge on the Post Road with the bridge on Bridge Street...Main to train. It would be down Imperial Avenue across the bridge and then up Riverside Avenue and across that bridge. This would be a beautiful part of that Main to train loop. It's a four mile loop. I have walked this point several times. I don't think I have seen many animals there. It would be a beautiful view. At some point, I'm putting a plug in here, I would like to see this path continued down Imperial Avenue which to my mind is one of the most beautiful parts of Westport connecting this park to the park on Imperial Avenue to really create a nice four mile loop for residents to walk starting in downtown all the way to the train station or starting at the train station and walking up to Town. So, I do hope you'll vote in favor of this. I do have one question about the seepage or the leeching coming from the landfill. Has there been any attempt to test the water

around the point for leeching coming out of the landfill that might be seeping into the water that we can't see? Would there be water testing to look for leeching while construction is being done?

Mr. Edwards:

This, as a Superfund site, receives routine sampling. It has been done twice in my 24 years here. It is not regular. It's routine. It's on a ten year program. When I first came in, a firm from Boston came down with little vials and bottles and water sampled the site, went back to Boston and sent us a letter saying that everything looks good. They came back again about five or six years ago, did the same routine again. They went back to Boston and I haven't heard from them since. They are monitoring the site as they do Superfund sites. Short of going online and going through the rigmarole to track down what those reports said, all we know is that they came down and monitored and went back. They monitor all the way around the perimeter. What they were concentrating on was the sediment.

John Suggs, district 5:

My colleague, Dr. Green, his comments remind me of one of my favorite stories that President John F. Kennedy was fond of sharing. It seems it concerned an English lord who asked his gardener to plant a series of trees. The gardener objected and reminded the lord it would take the trees 100 years to reach maturity. The lord's response was 'Then, let's get started this afternoon.' I think we should get started.

Mr. Mandell:

If you want to see animals, come on out to Earthplace or the Partrick Wetlands. There are deer, which we see everywhere, but beavers and bobcats and hawks and owls.

Mr. Rose:

You know that line we frequently talk about...you just crossed it.

By show of hands, the motion passed unanimously 27-0.

Mr. Rose:

We are about to adjourn. Remember, I need each district to caucus to provide a member of the Rules Committee. Typically, it's either the member with the highest number of votes or seniority but it can be anybody. Please give me that before you go.

The meeting adjourned at 9:45 p.m.

Respectfully submitted,
Patricia H. Strauss
Town Clerk

DRAFT

A handwritten signature in cursive script that reads "Jacquelyn Fuchs".

by Jacquelyn Fuchs
Secretary

ATTENDANCE: January 5, 2010

DIST.	NAME	PRESENT	ABSENT	NOTIFIED MODERAT OR	LATE/ LEFT EARLY
1	Diane Cady	X			
	Matthew Mandell	X			
	Elizabeth Milwe		X	X	
	Judith Starr	X			
2	Linda Bruce	X		X	
	Michael Guthman	X			
	Jay Keenan		X	X	
	Sean Timmins	X			
3	Amy Ancel		X	X	
	Robert Galan	X			
	Bill Meyer	X			
	Hadley Rose	X			
4	Jonathan Cunitz, DBA		X	X	
	Gene Seidman		X	X	
	George Underhill	X			
	Jeffrey Wieser		X	X	
5	Barbara Levy		X	X	
	Richard Lowenstein	X			
	Paul Rossi	X			
	John Suggs	X			
6	Joyce Colburn	X			
	Ann Marie Flynn	X			
	Catherine Talmadge	X			
	Christopher Urist	X			
7	Arthur Ashman, D.D.S.	X			
	Allen Bomes	X			
	Jack Klinge	X			
	Stephen Rubin	X			
8	Wendy Batteau		X	X	
	Michael Rea	X			
	Lois Schine	X			
	Jonathan Steinberg	X			
9	Eileen Flug	X			
	Kevin Green, Ph. D.	X			
	Velma Heller, Ed. D.		X	X	
	John McCarthy	X			8:10 p.m.
Total		27	9		

NAME	ADDRESS	E-MAIL	HOME/CELL PHONE	BUSINESS PHONE	FAX NUMBER
<u>DISTRICT #1</u>					
Diane D. Cady	21 Danbury Ave	ddcady@optonline.net	203-227-1444	203-226-1444	203-227-1444
Judith K. Starr	23 Surf Rd	jastarr@optonline.net	203-227-1843	203-227-1843	203-226-8894
Matthew I. Mandell	18 Ferry Ln E	matthew@westportD1.com	203-227-1333	n/a	n/a
Liz Milwe	1 Cockenoe Ave	lizmilwe@aol.com	203-984-8981	203-984-8981	212-477-0273
<u>DISTRICT #2</u>					
Jay Keenan	1 White Woods Ln	cjayk3rd@aol.com	203-454-5647	203-899-1890	203-899-1827
Linda L. Bruce	9 Winding Ln	LindaLBruce@aol.com	203-454-3578	203-856-0277	203-341-0683
Sean M. Timmins	87 Partrick Rd	sean@kellytimmins.com	203-227-5796	n/a	n/a
Michael Guthman	42 Terra Nova Circle	maguthma@optonline.net	203-227-2343	203-521-8551	n/a
<u>DISTRICT #3</u>					
Amy Ancel	330 Wilton Rd	aancel@optonline.net	203-226-9261	203-984-1773	n/a
Robert Galan	37 Woods Grove Rd	bgalanrtm3@gmail.com	203-222-1850	n/a	n/a
Hadley C. Rose*	14 St. George Pl	hrose4rtm3@optonline.net	203-454-2150	203-454-2150	203-454-2150
William F. Meyer III	3 St. George Pl	wfmeyer@optonline.net	203-226-3704	n/a	203-341-9288
<u>DISTRICT #4</u>					
Jeffrey N. Wieser	23 Compo Pkwy	jwieser@optonline.net	203-221-1973	212-525-2286	212-525-5257
Gene Paul Seidman	8 Greens Farms Hollow	gene@optonline.net	203-226-5881	917-597-2970	n/a
Jonathan A. Cunitz	7 Lamplight Ln	jonathanRTM4@cunitz.com	203-226-9917	203-227-2287	203-454-1970
George W. Underhill	10 Harding Ln	geounderhill@sbcglobal.net	203-226-1692	n/a	n/a
<u>DISTRICT #5</u>					
John F. Suggs	64 Center St	JSuggsRTM5@gmail.com	203-273-2774	203-273-2774	n/a
Richard A. Lowenstein	372 Greens Farms Rd	bankside@juno.com	203-255-5379	203-984-1787	n/a
Paul F. Rossi	60 Maple Ave S.	pfrossirtm5@gmail.com	203-255-5802	203-984-5556	n/a
Barbara Levy	6 Lazy Brook Ln	yulalevy@datacut.com	203-454-7267	n/a	203-454-7267

Representative Town Meeting Membership List
Term of Office Nov 17, 2009 - Nov 22, 2011

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NAME	ADDRESS	E-MAIL	HOME/CELL PHONE	BUSINESS PHONE	FAX NUMBER
<u>DISTRICT #6</u>					
Joyce Colburn	44 Whitney Glen Dr	colburn@optonline.net	203-226-6060	203-910-9884	n/a
Cathy Talmadge	16 Morningside Dr N.	cathytalmadge@optonline.net	203-221-0220	203-221-0220	n/a
Ann M. Flynn	38 Crescent Park Rd	flynnamflynn@aol.com	203-227-0764	n/a	n/a
Christopher Urist	6 Acorn Ln	uristrtm@gmail.com	303-819-2161	203-682-6429	212-929-7444
<u>DISTRICT #7</u>					
Stephen M. Rubin	1655 Post Rd E Unit 47	smrubin@optonline.net	203-256-1834	203-341-5090	n/a
John G. Klinge	25 Sturges Hwy	jgklinge@aol.com	203-255-0829	n/a	203-255-6818
Allen S. Bomes	9 Bayberry Ln	bomesa@optonline.net	203-259-0916	203-259-0497	203-259-0497
Arthur Ashman	153 Bayberry Ln	aashman@optonline.net	203-247-1127	203-247-1127	203-222-7895
<u>DISTRICT #8</u>					
Jonathan Philip Steinberg**	1 Bushy Ridge Rd	jpsteinberg@optonline.net	203-226-6749	203-722-7477	n/a
Michael A. Rea	2 Tupelo Rd	reartm@aol.com	203-227-3732	203-328-5305	203-227-4592
Lois G. Schine	208 Bayberry Ln	loisschine@optonline.net	203-227-9290	n/a	n/a
Wendy G. Batteau	6 Arlen Rd	wgbatteartm@optonline.net	203-226-3033	203-858-0348	203-226-3033
<u>DISTRICT #9</u>					
Kevin D. Green	35 Gorham Ave	greenrtm@optonline.net	203-226-3744	203-895-8022	203-341-0207
Eileen L. Flug	5 Gault Ave	eileenflugrtm@optonline.net	203-227-8474	203-520-0397	n/a
Velma E. Heller	5 Harborview Rd	vhellerrtm9@aol.com	203-227-9353	203-803-3727	n/a
John D. McCarthy	290 Main St	johnrtm@optonline.net	203-454-7554	203-962-1863	n/a
<u>TOWN CLERK</u>					
Patricia H. Strauss	28 Juniper Rd/ PO Box 549 06881	pstrauss@westportct.gov	203-454-2466	203-341-1105	203-341-1112
<u>RTM SECRETARY</u>					
Jackie Fuchs	221 Fitchs Pass Trumbull, CT 06611	jfuchs@westportct.gov	203-459-4321	n/a	203-459-4322

* Moderator

**Deputy Moderator

Education (9)

Velma Heller, chair
Eileen Flug
Robert Galan
Jack Klinge
William Meyer
Paul Rossi
Stephen Rubin
Gene Seidman
Jonathan Steinberg

Employee Compensation (7)

Michael Guthman, chair
Linda Bruce
Kevin Green
Jay Keenan
Michael Rea
Hadley Rose
George Underhill

Environment (9)

Diane Cady, chair
Wendy Batteau
Kevin Green
Liz Milwe
Michael Rea
Jonathan Steinberg
John Suggs
Cathy Talmadge
Chris Urist

Finance (9)

Michael Rea, chair
Allen Bomes
Linda Bruce
Mike Guthman
Dick Lowenstein
John McCarthy
Lois Schine
Cathy Talmadge
Jeff Weiser

Health& Human Services (9)

Jonathan Steinberg, chair
Amy Ancel
Arthur Ashman
Diane Cady
Jonathan Cunitz
Velma Heller
Barbara Levy
William Meyer
Jeff Wieser

Information Technology (9)

Paul Rossi, chair
Joyce Colburn
Jonathan Cunitz
Matthew Mandell
John McCarthy
Liz Milwe
Sean Timmins
Gene Seidman
Chris Urist

Library, Museum & Arts (9)

Wendy Batteau, chair
Arthur Ashman
Kevin Green
Michael Guthman
Barbara Levy
Jonathan Steinberg
Cathy Talmadge
Gene Seidman
John Suggs

Long Range Planning (9)

Jack Klinge, chair
Allen Bomes
Jonathan Cunitz
Robert Galan
Velma Heller
Matthew Mandell
Liz Milwe
Lois Schine
Jonathan Steinberg

Ordinance (9)

Eileen Flug, chair
Amy Ancel
Wendy Batteau
Linda Bruce
Ann Marie Flynn
Michael Guthman
Velma Heller
Barbara Levy
George Underhill

Parks & Recreation (9)

William Meyer, chair
Allen Bomes
Eileen Flug
Jack Klinge
John McCarthy
Paul Rossi
John Suggs
Chris Urist
Jeff Wieser

Planning & Zoning (9)

Matthew Mandell, chair
Linda Bruce
Diane Cady
Joyce Colburn
Ann Marie Flynn
Robert Galan
Jay Keenan
Lois Schine
Judy Starr

Public Protection (9)

Dick Lowenstein, chair
Arthur Ashman
Linda Bruce
Joyce Colburn
Ann Marie Flynn
Stephen Rubin
Judy Starr
Sean Timmins
George Underhill

Public Works (9)

Judy Starr, chair
Joyce Colburn
Kevin Green
Michael Guthman
Jay Keenan
Jack Klinge
Dick Lowenstein
Matthew Mandell
Cathy Talmadge

Rules (11)

Hadley Rose, chair
Jonathan Steinberg, vice chair
District 1: Judy Starr
District 2: Sean Timmins
District 3: Robert Galan
District 4: George Underhill
District 5: Barbara Levy
District 6: Chris Urist
District 7: Stephen Rubin
District 8: Wendy Batteau
District 9: John McCarthy

Special Ethics (7)

Hadley Rose, chair
Amy Ancel
Dick Lowenstein
Velma Heller
To be added

Transit (5)

Stephen Rubin, chair
Dick Lowenstein
Liz Milwe
John McCarthy
Chris Urist